United Nations CEDAW/C/MUS/CO/8

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the eighth periodic report of Mauritius*

1. The Committee considered the eighth periodic report of Mauritius (CEDAW/C/MUS/8) at its 1641st and 1642nd meetings (see CEDAW/C/SR.1641 and CEDAW/C/SR.1642), held on 30 October 2018.

A. Introduction

2. The Committee appreciates the submission by the State party of its eighth periodic report, which was prepared in response to the list of issues and questions prior to reporting (CEDAW/C/MUS/QPR/8). It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue. It also appreciates the additional information provided in writing following the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Vice-Prime Minister, Minister of Local Government and Outer Islands and Minister of Gender Equality, Child Development and Family Welfare, Fazila Jeewa-Daureeawoo. The delegation also included representatives of the Ministry of Gender Equality, Child Development and Family Welfare and the Permanent Mission of Mauritius to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2011 of the State party's combined sixth and seventh periodic reports (CEDAW/C/MUS/CO/6-7) in undertaking legislative reforms, in particular the adoption of the following:

(a) Protection from Domestic Violence (Amendment) Act 2016 (Act No. 10 of 2016), which broadens the definition of domestic violence;

(b) Protection of Human Rights (Amendment) Act 2012 (Act No. 19 of 2012) and Independent Police Complaints Commission Act 2016 (Act No. 14 of 2016), the latter of which strengthened the role of the National Human Rights Commission,

* Adopted by the Committee at its seventy-first session (22 October–9 November 2018).

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among other bodies, by establishing an Independent Police Complaints Division on 9 April 2018;

(c) Criminal Code (Amendment) Act 2012 (Act No. 11 of 2012), which decriminalizes abortion in certain cases;

(d) Equal Opportunities Act 2008 (Act No. 42 of 2008), in force since 1 January 2012, which prohibits direct and indirect discrimination on the grounds of sex and sexual orientation in certain areas, such as employment and education;

(e) Local Government Act 2011 (Act 36 of 2011), as amended by the Local Government (Amendment) Act 2015 (Act 3 of 2015), sections 11 (6) and 12 (6) of guarantee gender equality in local elections.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the following:

(a) Establishment of the Ministry of Justice, Human Rights and Institutional Reforms in September 2017 and of a national mechanism for reporting and follow-up in December 2017;

(b) Launch, by the Prime Minister's Office in October 2012, of a national human rights action plan covering the period from 2012 to 2020, which includes respect for women's rights as one of its goals;

(c) Establishment, in January 2012, of the Equal Opportunities Commission, which became operational in April 2012, and of the Equal Opportunities Tribunal, pursuant to the Equal Opportunities Act 2008.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party ratified, in June 2017, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

Sustainable Development Goals

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

C. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see A/65/38, part two, annex VI). It invites the National Assembly and the Rodrigues Regional Assembly, in line with their mandates, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

D. Principal areas of concern and recommendations

Constitutional and legislative framework

9. The Committee notes that articles 3 and 16 of the Constitution of Mauritius of 1968 and sections 2, 5, 6 and 7 of the Equal Opportunities Act 2008 prohibit direct and indirect discrimination on the basis of sex. The Committee is, nevertheless, concerned that:

(a) The provisions of the Convention have not been fully incorporated into the national law of the State party;

(b) The prohibition of discrimination contained in articles 3 and 16 of the Constitution and in sections 2, 5, 6 and 7 of the Equal Opportunities Act 2008 does not include a comprehensive definition of discrimination against women in line with article 1 of the Convention;

(c) Discriminatory provisions in the State party's constitutional and legislative framework have not been repealed, in particular article 16, paragraph 4 (c), of the Constitution, according to which matters relating to personal status are exempted from the prohibition of discrimination on the basis of sex and other grounds.

10. **Recalling its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and referring to target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, the Committee recommends that the State party:**

(a) **Fully incorporate the provisions of the Convention into its national law and ensure its implementation;**

(b) **Adopt, without delay, a comprehensive definition of discrimination against women, covering all prohibited grounds of discrimination in the public and private spheres, in line with article 1 of the Convention, and ensure that such a definition is included in the draft gender equality bill;**

(c) **Ensure inclusive consultations, including with women religious leaders, on the review of article 16, paragraph 4 (c), of the Constitution and expedite the review process, with a view to amending or repealing the article and bringing it into compliance with articles 2 and 16 of the Convention.**

Visibility of the Convention and legal complaint mechanisms

11. The Committee welcomes the establishment of complaint mechanisms for women and girls who are victims of discrimination and gender-based violence. It is, however, concerned that:

(a) The Convention and the Optional Protocol have not been given adequate visibility, as reflected by the absence of direct references to the Convention in court proceedings, with the exception of one decision in 2012, and in any decisions of the Equal Opportunities Commission;

(b) A low number of complaints were lodged before the Equal Opportunities Commission between May 2016 and the time of submission of the present concluding observations;

(c) Women cannot lodge complaints directly before the Equal Opportunities Tribunal, which has the power to issue orders and directives and provide redress, but

to which only the Equal Opportunities Commission can refer complaints (section 35 (1) (a) of the Equal Opportunities Act 2008);

(d) Due to the lack, in article 16 of the Constitution, of an explicit prohibition of discrimination on the basis of sex in the private sector, similar to that which is specified for the public sector in article 16, paragraph 2, of the Constitution, women in the private sector cannot seek constitutional redress in cases of discrimination;

(e) The multiplicity and complexity of legal complaint mechanisms affect women's access to justice;

(f) Women have limited knowledge of their rights and of the available complaint mechanisms, and there is a lack of expertise regarding women's rights among legal practitioners and judicial and law enforcement officials.

12. **The Committee recommends, in line with its general recommendation No. 33 (2015) on women's access to justice, that the State party:**

(a) **Raise awareness among the general public, including among women and girls, of the legislation prohibiting discrimination against women and of the remedies available to victims;**

(b) **Amend article 16 of the Constitution to explicitly prohibit discrimination on the basis of sex in the private sector;**

(c) **Undertake a review of its judicial complaint mechanisms that are available to women in cases of discrimination with a view to simplifying procedures and enhancing access to justice for women;**

(d) **Strengthen capacity-building for legal practitioners and judicial and law enforcement officials on ways to invoke or apply the Convention, or to interpret national legislation in the light thereof, in court proceedings.**

National machinery for the advancement of women and gender mainstreaming

13. The Committee commends the State party on the establishment in July 2010 of the National Steering Committee on Gender Mainstreaming and the appointment in 2017 of gender focal points within the ministries on a pilot basis. It also notes the current review of the national gender policy framework of 2008. The Committee is concerned, however, about the following:

(a) The lack of a national action plan on the advancement of women and girls;

(b) The complexity of the national machinery for the advancement of women and of State organs with similar mandates, such as the National Steering Committee, the gender focal points, the National Women's Council, the National Women Entrepreneur Council and the Equal Opportunities Commission;

(c) The lack of adequate human, technical and financial resources allocated to the national machinery, which hinders its capacity to coordinate and implement gender equality plans, policies and programmes effectively;

(d) The absence of information on mechanisms for monitoring and evaluating the implementation and impact of gender mainstreaming and of information on the impact of cooperation between actors within the national machinery and all relevant stakeholders in the design and monitoring of public policies on gender equality;

(e) The insufficient visibility of the Equal Opportunities Commission and its activities aimed at achieving gender equality and raising awareness of women's rights, as well as the insufficient number of those activities.

14. **The Committee recommends that the State party:**

(a) **Expedite the review of the national gender policy framework of 2008 and adopt and implement a national action plan;**

(b) **Ensure that all components of the national machinery for the advancement of women and State organs with similar mandates work in a coordinated manner, and undertake an audit on areas where cooperation could be strengthened;**

(c) **Increase the resources allocated to the national machinery;**

(d) **Ensure the full and effective participation of all relevant stakeholders in the activities of the national machinery through systematic and institutionalized coordination;**

(e) **Introduce effective monitoring, evaluation and accountability mechanisms, including through cooperation with such existing mechanisms as the national mechanism for reporting and follow-up and the Human Rights Monitoring Committee;**

(f) **Ensure the visibility of the Equal Opportunities Commission and increase its commitment to organizing activities aimed at achieving gender equality and raising awareness of women's rights.**

Temporary special measures

15. The Committee notes with concern that the State party does not systematically use temporary special measures, as set out in article 4 (1) of the Convention, in order to accelerate the achievement of substantive gender equality. The Committee is also concerned that the State party has not included a provision on the adoption of temporary special measures in the Equal Opportunities Act 2008.

16. **The Committee recalls its previous concluding observations (CEDAW/C/MUS/CO/6-7, para. 17) and recommends that the State party:**

(a) **Put in place temporary special measures, with a view to achieving substantive equality between women and men in all areas covered by the Convention in which women are underrepresented or disadvantaged, such as participation in political and public life and in employment;**

(b) **Ensure that the planned gender equality bill includes a provision on temporary special measures;**

(c) **Raise awareness among relevant government officials and policymakers and increase their understanding of the nature of temporary special measures and of their importance to the achievement of substantive equality between women and men.**

Stereotypes and gender-based violence against women

17. The Committee welcomes the adoption of the Protection from Domestic Violence (Amendment) Act 2016, which expands the scope of protection of victims of domestic violence and provides for protection orders. It notes the establishment of the National Coalition against Domestic Violence Committee in 2015 and of a steering committee to fight gender-based violence in Rodrigues in 2017. The Committee remains concerned, however, about the following:

(a) The prevalence of gender-based violence, in particular domestic and sexual violence, against women and girls and of discriminatory gender stereotypes that perpetuate violence against women and girls, in particular in domestic settings;

(b) The gaps in national legislation with regard to some forms of gender-based violence, including the lack of an explicit prohibition of marital rape, notwithstanding that marital rape can be prosecuted under section 249 of the Criminal Code of 1838 and under section 13 (2) of the Protection from Domestic Violence Act (Act 6 of 1997), as well as the limited scope of regulation 13 (4) of the Education Regulations 1957, as amended, which prohibits corporal punishment only in schools, and of section 13 (4) of the Child Protection Act (Act 30 of 1994), and the resulting lack of an explicit prohibition of corporal punishment in all settings;

(c) The limited definition of "spouse" in the Protection from Domestic Violence Act and the omission of economic violence in its definition of "domestic violence";

(d) The lack of safeguards under article 75 of the Constitution to prevent pardons being granted to convicted perpetrators of gender-based violence against women;

(e) The low rates of prosecutions and convictions for offences of gender-based violence against women and girls;

(f) The limited availability and quality of assistance and protection services, leading to women who are under protection orders reportedly enduring continuing and aggravating threats against them and an insufficient number of shelters available for women who are victims of violence;

(g) The lack of a monitoring mechanism to evaluate the impact of existing legislation, including the Protection from Domestic Violence Act and the Child Protection Act, as well as of assistance and protection services;

(h) The lack of accurate statistical data on cases of gender-based violence against women and the frequent incomplete recording of acts of domestic violence as other offences under the Criminal Code, such as assaults (under sections 228 to 232 of the Code), threats (sections 224 to 227) or manslaughter and injury and bodily harm (section 239), without recording that the offense occurred in a domestic setting.

18. **The Committee recalls its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and reiterates its recommendation to the State party that it:**

(a) **Enforce existing legislation and develop a comprehensive strategy to eliminate discriminatory gender stereotypes against women and girls;**

(b) **Amend or adopt legislation to explicitly prohibit marital rape and corporal punishment of children in all settings;**

(c) **Expand the scope of protection of victims of domestic violence under the Protection from Domestic Violence Act to include economic violence and acts by any person living in the same household;**

(d) **Put safeguards in place to ensure that a pardon under article 75 of the Constitution cannot be granted to perpetrators of gender-based violence without a review of all past convictions based on comprehensive documentation;**

(e) **Encourage reporting of gender-based violence against women and girls by launching awareness-raising campaigns on reporting mechanisms and remedies and ensure that reports of gender-based violence against women, including domestic violence, are duly investigated, that perpetrators are prosecuted and adequately punished and that victims have access to appropriate redress, including compensation;**

(f) **Ensure that women and girls who are victims of gender-based violence, including domestic violence, are effectively protected under protection orders and have adequate access to government-funded shelters and support services;**

(g) **Undertake an analysis of the impact of the State party's current programmes and measures to prevent and address gender-based violence against women and take steps to improve accuracy and disaggregation in the recording of statistical data.**

Trafficking and exploitation of prostitution

19. The Committee notes that the State party remains a country of origin, transit and destination for trafficking in persons. It notes the following with concern:

(a) The prevalence of trafficking in persons in the State party, including for the purpose of sexual exploitation, with women and girls, particularly those from rural areas, facing the highest risk;

(b) The lack of a comprehensive anti-trafficking strategy and a national action plan and the temporary nature of the mandate of the interministerial committee on trafficking in persons that was set up in December 2015;

(c) The limited measures available to protect women from trafficking, as the State party's legislative and policy measures focus largely on the protection of children from sexual exploitation and trafficking;

(d) The low rates of reporting, prosecution and conviction in cases of trafficking, both under the Combating of Trafficking in Persons Act (Act 2 of 2009) and the Child Protection Act, with only two reported cases of trafficking and no convictions since 2009 under the Combating of Trafficking in Persons Act;

(e) The inadequate number of shelters and insufficient assistance, rehabilitation and reintegration measures for women and girls who are victims of trafficking;

(f) The absence of regional and bilateral cooperation agreements on combating trafficking in persons, particularly women and girls;

(g) The lack of a national policy framework to tackle the commercialization of sexual exploitation and of measures to protect women in prostitution.

20. **The Committee draws attention to target 5.2 of the Sustainable Development Goals, which is aimed at eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and recommends that the State party:**

(a) **Strengthen the mechanisms and policies in place to combat trafficking and ensure that they are supported by adequate technical, financial and human resources;**

(b) **Accelerate the adoption of a national plan of action for combating trafficking in persons and establish a permanent body to coordinate and monitor its implementation;**

(c) **Systematically collect and analyse data, disaggregated by sex and age, on trafficking in persons;**

(d) **Provide effective redress mechanisms, raise awareness of those mechanisms, investigate, prosecute and adequately punish traffickers and ensure that women and girls who are victims of trafficking are exempted from any criminal liability;**

(e) **Strengthen support provided to women and girls who are victims of trafficking, in particular migrant women, by ensuring adequate access to health care, counselling services and redress, including reparations and compensation, and the adequate provision of shelters;**

(f) **Enhance regional cooperation with countries of origin and destination, in order to prevent trafficking in women and girls, by exchanging information and harmonizing procedures;**

(g) **Take effective measures to protect women in prostitution from exploitation and abuse, carry out a study on the root causes and the extent of prostitution and use the outcomes of the study to develop services and exit programmes for women who wish to leave prostitution.**

Participation in political and public life

21. The Committee notes the positive impact of sections 11 (6) and 12 (6) of the Local Government Act 2011, as amended by the Local Government (Amendment) Act 2015, which provide for quotas for electoral lists, in increasing the representation of women in local governance. It welcomes amendments made to the Constitution in 2016 to adopt similar quotas for the Rodrigues Regional Assembly. The Committee also notes that women have held high-level decision-making positions in the State party, such as Head of State and Speaker of the National Assembly, and that women and men are equally represented in the public sector, including in senior positions. The Committee remains concerned, however, about the low levels of participation of women in political and in some areas of public life in the State party, in particular in decision-making positions at the national level, where only 8 of 69 members of the parliament and 2 of 27 ministers are women.

22. **In accordance with article 4 (1) of the Convention and its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:**

(a) **Take the steps necessary to adopt temporary special measures, including extending the application of the quotas that are in place for local elections to elections conducted at the national level, in order to accelerate the achievement of substantive equality between women and men in all areas of political and public life;**

(b) **Address all structural, social and cultural barriers to women entering political life or holding public office, including by providing incentives to political parties to include an equal number of women and men at equal ranks on their electoral lists and by providing training to women on political campaigning, leadership and negotiation skills.**

Education

23. The Committee notes with appreciation the substantive measures taken by the State party to ensure universal access to education, including the provision of free, compulsory education until the age of 16, free transportation and the provision of grants. It is concerned, however, about the following:

(a) The insufficient data collected on the educational enrolment and achievement of women and girls and the school dropout rates among them;

(b) The high rate of absenteeism among girls in primary and secondary school, attributable partly to menstruation remaining a social taboo, the lack of adequate sanitation facilities for girls in schools and the societal norm for girls to assist in housework and caregiving;

(c) The low literacy rate among girls who have finalized their compulsory education;

(d) The lack of comprehensive education on and services concerning sexual and reproductive health and rights for adolescents, contributing to an extremely high rate of pregnancy among school-age girls;

(e) The lack of regulations and measures to address social exclusion and inadequate support for the reintegration of pregnant students and adolescent mothers to ensure that they complete their education;

(f) The concentration of women and girls in traditionally female-dominated fields of study and the low proportion of girls who are enrolled in studies in the fields of science, technology, engineering and mathematics, which amounted to only 21.1 per cent in 2016;

(g) The difficulties faced by women and girls with disabilities and by asylum-seeking and migrant women and girls in gaining access to high-quality education.

24. **In line with its general recommendation No. 36 (2017) on the right of girls and women to education, and taking note of target 4.5 of the Sustainable Development Goals, which is aimed at eliminating gender disparities in education, the Committee recommends that the State party:**

(a) **Monitor the implementation of the right of girls and women to education by ensuring that the Ministry of Education and Human Resources, Tertiary Education and Scientific Research collects data on the educational enrolment, absenteeism and dropout rates, including owing to adolescent pregnancy, of girls and women at all levels of education, disaggregated by sex, location, age, school type and ethnic group;**

(b) **Strengthen efforts to retain girls in school and raise awareness, in particular among parents, of the importance of education for women;**

(c) **Undertake comprehensive research on the root causes of illiteracy and absenteeism and adopt measures to address them;**

(d) **Provide adequate sanitation facilities and sanitary pads for girls in schools;**

(e) **Include in school curricula mandatory, age-appropriate, evidence-based and scientifically accurate education for girls and boys on sexual and reproductive health and rights that covers responsible sexual behaviour, that dismantles the social taboo of menstruation and that is free of discriminatory gender stereotypes;**

(f) **Encourage pregnant girls to continue their education and facilitate the reintegration into education of adolescent mothers, including by combating cultural stigma through awareness-raising campaigns and by providing affordable care for their children;**

(g) **Adopt temporary special measures, including incentives such as scholarships, to promote the participation of women and girls in the fields of science, technology, engineering and mathematics, such as providing more scholarships in those fields, and address stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study;**

(h) **Take the steps necessary to ensure that reasonable accommodation is provided to women and girls in schools and that asylum-seeking and migrant women and girls have access to education.**

Employment

25. The Committee welcomes the State party's initiative, taken on 15 April 2013, under section 27 (3) (f) of the Equal Opportunities Act 2008, to issue guidelines for employers on developing and applying an equal opportunity policy in businesses that employ more than 10 people. The Committee is concerned, however, that:

(a) Horizontal and vertical occupational segregation persists in the private sector, leading to a wide gender pay gap in the State party, and the principle of equal pay for work of equal value is not enforced, in particular in the agricultural sector where wages depend on the "differences in the work performed in terms of tasks allocated" (CEDAW/C/MUS/8, para. 85);

(b) Women are underrepresented in decision-making positions in the private sector and no regulations are in place to ensure their equal participation in the labour market;

(c) Under section 30 (3) of the Employment Rights Act 2008 (Act No. 33 of 2008), paid maternity leave is limited to women who have worked 12 consecutive months for the same employer;

(d) A limited number of cases of sexual harassment in the workplace are recorded by the Ministry of Labour, Industrial Relations and Training;

(e) Reports received by the Committee indicate that women migrant workers may be subjected to exploitative working conditions and that there have been incidences in which work contracts have been terminated on the basis of pregnancy.

26. **The Committee recommends that the State party:**

(a) **Enforce the principle of equal pay for work of equal value, enshrined in section 20 (1) of the Employment Rights Act 2008, in the public and private sectors, including in the application of the new minimum wage, and narrow the gender pay gap, with a view to eliminating it, including by conducting regular pay surveys and labour inspections;**

(b) **Improve access for women to all areas of the private sector, including through regulations and measures, in particular temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures;**

(c) **Amend or repeal section 30 (3) of the Employment Rights Act 2008 to ensure equal rights for women with regard to paid maternity leave, irrespective of the length of their employment with their employer;**

(d) **Enforce section 54 of the Employment Rights Act 2008, strengthen labour-related complaint and dispute resolution mechanisms to address discrimination on the basis of sex, including sexual harassment, in the workplace, encourage reporting and impose appropriate sanctions on perpetrators;**

(e) **Ensure the enforcement of sections 38 (1) (a) and 46 (5B) of the Employment Rights Act 2008, which protect employees against the termination of their contracts on various discriminatory grounds, including pregnancy, and which are applicable to women migrant workers pursuant to section 13 of the Civil Code of 1808;**

(f) **Continue to systematically carry out inspections to ensure that migrant women are not subject to exploitative labour practices and strengthen relevant inspection mechanisms, such as the Flying Squad.**

Health

27. The Committee welcomes the adoption of the Criminal Code (Amendment) Act 2012, which amended section 235 of the Code and introduced section 235A, which legalizes abortion in certain circumstances. The Committee is concerned, however, about the following:

(a) The high incidences of adolescent pregnancy and unsafe abortion, attributable to the limited availability of education on sexual and reproductive health and rights;

(b) The lack of clear regulations and protocols to ensure the effective implementation of the new legislative provisions on abortion;

(c) The high rate of maternal mortality;

(d) The prevalence of HIV/AIDS, including mother-to-child transmission;

(e) The lack of sufficient information on the provision of high-quality care and medical services to women and girls who are victims of gender-based violence.

28. **Recalling its general recommendation No. 24 (1999) on women and health and its general recommendation No. 35, the Committee draws attention to targets 3.1 and 3.7 of the Sustainable Development Goals, which are aimed at reducing the global maternal mortality ratio and ensuring universal access to sexual and reproductive health-care services. It recommends that the State party:**

(a) **Step up efforts to prevent adolescent pregnancies and ensure that modern contraceptives are available, accessible and affordable for women and girls;**

(b) **Fully apply section 235A of the Criminal Code, which decriminalizes abortion in specified circumstances, including through the adoption of clear regulations and protocols for hospitals and health-care practitioners, and raise awareness among women and health-care providers regarding access to legal abortion and post-abortion care;**

(c) **Collect data and provide information on access to legal abortion and on the number of women and girls resorting to unsafe abortions in the State party in its next periodic report;**

(d) **Reduce maternal mortality by improving access to basic prenatal and postnatal care and emergency obstetric services provided by skilled birth attendants throughout the territory of the State party and conducting audits to analyse the reasons behind each case of maternal mortality;**

(e) **Ensure access to adequate health services, including antiretroviral medicines, for women and girls living with HIV/AIDS, paying particular attention to disadvantaged groups of women, such as women in prostitution;**

(f) **Adequately train medical personnel to ensure specialized attention and care for women and girls who are victims of sexual violence, including the provision of essential services for emergency contraception and abortion.**

Economic empowerment of women and economic and social benefits

29. The Committee welcomes the existence of various economic and social benefit schemes, such as the subsistence allowance scheme, the national housing programme for the period 2015–2019, and measures taken by the National Empowerment Foundation and the National Women Entrepreneur Council. It notes the adoption of a

corporate social responsibility policy, under which private companies can contribute 2 per cent of their profits to benefit social and environmental programmes. The Committee also welcomes the State party's continued efforts to reduce poverty, such as the Marshall Plan against Poverty and the Poverty Observatory. The Committee is concerned, however, about the following:

(a) The fact that the State party has not established an official poverty line to allow the State party to analyse the poverty rates among women, including rural women, Creole women and women heads of household;

(b) The lack of information on mechanisms that ensure the meaningful participation of vulnerable women in the design of strategies and programmes that focus on women as active participants in the implementation thereof;

(c) The insufficient provision of statistical data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, on the economic and social benefits provided to women by the State party and the lack of information on the effectiveness of monitoring mechanisms;

(d) The ways in which the State party's financial policies and practices on corporate reporting and taxation may have an adverse impact on the ability of other States, in particular those that have insufficient revenue, to mobilize maximum resources for the realization of women's rights.

30. **The Committee recommends that the State party:**

(a) **Establish an official poverty line and provide data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, on poverty levels among women, in particular vulnerable groups of women, and ensure the meaningful participation of vulnerable women in the formulation and development of poverty reduction and eradication strategies;**

(b) **Conduct assessments of the impact of economic and social benefits, including the corporate social responsibility policy, on gender equality;**

(c) **Establish monitoring mechanisms and include comprehensive statistical data disaggregated by sex, age, disability, ethnicity, location and socioeconomic status in its next periodic report to illustrate the degree to which women benefit from existing anti-poverty initiatives, including on housing, in line with Sustainable Development Goal 5;**

(d) **In line with the Committee's general recommendation No. 28, undertake independent, participatory and periodic assessments of the extraterritorial effects of its financial and corporate tax policies on women's rights and on substantive equality between women and men, ensuring that the assessments are conducted impartially and that the methodology and findings are communicated to the public.**

Rural women, Creole women, migrant women and women with disabilities

31. The Committee is concerned about reports of discrimination against disadvantaged or marginalized groups of women facing intersecting forms of discrimination, such as rural women, Creole women, migrant women and women with disabilities. It notes with concern the lack of data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, on the situation of such women in all areas covered by the Convention and the lack of information on their meaningful participation in political decision-making.

32. **The Committee refers to its general recommendation No. 34 (2016) on the rights of rural women and recommends that the State party collect data on rural**

women and other women facing intersecting forms of discrimination, disaggregated by sex, age, geographical location, disability, socioeconomic or other status and whether they belong to a minority group, with a view to informing and designing measures, including temporary special measures, aimed at achieving substantive equality between women and men in all areas covered by the Convention. It calls upon the State party to ensure the full participation of women belonging to disadvantaged and marginalized groups in political decision-making.

Lesbian, bisexual and transgender women and intersex persons

33. The Committee notes with concern the intersecting forms of discrimination faced by lesbian, bisexual and transgender women and intersex persons, including the following:

(a) The prevalence, in all areas covered by the Convention, of discriminatory practices that disadvantage lesbian, bisexual and transgender women and intersex persons, including social exclusion and acts of hate speech and abuse;

(b) The lack of policy measures pertaining to the rights of lesbian, bisexual and transgender women and intersex persons (CEDAW/C/MUS/8, para. 36);

(c) The underreporting of acts of violence and of physical, verbal and emotional abuse against lesbian, bisexual and transgender women and intersex persons.

34. **The Committee recommends that the State party:**

(a) **Adopt the legislative and policy measures necessary to combat discrimination and violence against lesbian, bisexual and transgender women and intersex persons, including hate speech and physical, verbal and emotional abuse;**

(b) **Promote the protection of the rights of lesbian, bisexual and transgender women and intersex persons, in all areas covered by the Convention, including in employment and health, and conduct awareness-raising activities to address their stigmatization in society;**

(c) **Ensure that law enforcement mechanisms efficiently protect the rights of lesbian, bisexual and transgender women and intersex persons;**

(d) **Provide access to shelter and assistance for lesbian, bisexual and transgender women and intersex persons who are victims of violence;**

(e) **Provide training to medical personnel, the police and law enforcement officials in this regard.**

Women and climate change

35. The Committee notes the State party's efforts, such as the national climate change adaptation policy framework, to address the adverse impact of climate change and disasters and to incorporate a gender perspective therein. The Committee is concerned, however, about the lack of information on the involvement of women in drafting legislation, policies and strategies and on the impact of programmes aimed at engaging women as agents of change, such as awareness-raising initiatives undertaken by the Ministry of Social Security, National Solidarity and Environment and Sustainable Development, in cooperation with the National Women's Council and women's associations and under the Africa Adaptation Programme.

36. **In line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the**

Committee recommends that the State party ensure that women are meaningfully involved in the development of legislation, national policies and programmes on climate change, disaster response and disaster risk reduction, such as the forthcoming bill on climate change and the nationally appropriate mitigation actions for low carbon island development strategy project.

Marriage and family relations

37. The Committee is concerned that:

(a) Article 16, paragraph 4 (c), of the Constitution, together with the de facto repeal of chapter 9, of the Civil Code which was in effect from 1982 to 1987, leaves women who are in unregistered Muslim marriages unprotected, without effective means of safeguarding their marital rights, including to property, to inheritance and to the recognition and custody of their children, and with no forum in which they can claim those rights, and allows for the persistence of informal polygamous and child marriages;

(b) There are no legislative measures in place to protect the economic and other rights of women in de facto unions, including unregistered Muslim marriages and polygamous marriages;

(c) Section 145 of the Civil Code allows for girls and boys between the ages of 16 and 18 to marry with only the consent of a parent or guardian, and no requirement for judicial approval, and section 2 of the Child Protection Act defines a child as an unmarried person under the age of 18;

(d) Section 254 (1) of the Civil Code excludes women who are considered to be "at fault" for a divorce (sections 230 to 234 of the Code) from the right to alimony under section 255;

(e) There is a lack of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, on the numbers of child marriages, unregistered religious marriages and polygamous marriages.

38. **The Committee, recalling its general recommendation No. 21 (1994) on equality in marriage and family relations and its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, recommends that the State party:**

(a) **Review relevant national legislation in order to make mandatory the registration of all marriages, including past unregistered marriages under section 74 (1) of the Civil Status Act (Act 23 of 1981), and to criminalize non-compliance and consider, as an interim measure, the reinstatement of chapter 9 of the Civil Code, with a view to applying it to all Muslim religious marriages regardless of when they were celebrated, so as to grant marriage recognition, to adequately protect the rights of all women upon the dissolution of religious marriages, including the rights to an equitable division of marital property and to the recognition and custody of their children, and to ensure that their rights are protected under the Civil Code and the Civil Status Act and such provisions enforceable under the jurisdiction of civil courts, and to effectively preventing all forms of polygamous and child marriages;**

(b) **Review the Civil Code in order to adequately protect the property rights of women and to establish a system of equitable division of marital property upon dissolution of de facto relationships and undertake a study on the prevalence of polygamy in the State party, with a view to addressing its root causes and implementing measures to enforce its prohibition (section 150 of the Civil Code);**

(c) Repeal or amend section 145 of the Civil Code to completely preclude consent by parents or guardians as a sufficient requirement to allow marriage of those under the age of 18 and to allow court approval only under exceptional circumstances for marriages of those between the ages of 16 and 18, ensure that the planned children's bill reflects this provision and amend section 2 of the Child Protection Act to define a child as any person under the age of 18;

(d) Amend or repeal section 254 (1) of the Civil Code to ensure that women have a right to alimony regardless of the grounds for divorce;

(e) Ensure the collection, analysis and dissemination of comprehensive and data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, on child marriages, religious marriages and polygamous marriages, in cooperation with relevant institutions, such as the Muslim Family Council, tasked, under section 30 (a) of the Civil Status Act, to register all marriages celebrated in accordance with Muslim rites;

(f) Conduct comprehensive awareness-raising campaigns to challenge cultural attitudes that legitimize child marriage and polygamy.

Data collection and analysis

39. The Committee takes note of the development of several data collection systems, including the Domestic Violence Information System, the Child Protection Register and the database of human rights indicators. It regrets, however, that the data disaggregated by sex and other relevant factors, in particular on the situation in Rodrigues, Agalega and other remote parts of the territory of the State party, remain insufficient. Such statistical data is necessary for accurately assessing the situation of women, determining the magnitude and nature of discrimination, developing informed and targeted policies and systematically monitoring and evaluating progress achieved towards the realization of substantive equality between women and men in all areas covered by the Convention.

40. **The Committee calls upon the State party to ensure that its existing data collection systems disaggregate data by sex, age, disability, ethnicity, location and socioeconomic status. It further recommends that the State party enhance the collection, analysis and dissemination of comprehensive and disaggregated data through a centralized system and use measurable indicators to assess progress achieved towards the realization of substantive equality between women and men in all areas covered by the Convention, in particular on gender-based violence against women, child marriage, adolescent pregnancy, education, employment, women in prostitution and trafficking. In that regard, the Committee draws attention to its general recommendation No. 9 (1989) on statistical data concerning the situation of women and encourages the State party to seek technical assistance from the relevant United Nations agencies.**

Dissemination

41. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the de facto official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the National Assembly and the Rodrigues Regional Assembly and the judiciary, to enable their full implementation.**

Technical assistance

42. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

Ratification of other treaties

43. **The Committee notes that the adherence of the State party to the nine major international human rights instruments [1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.**

Follow-up to the concluding observations

44. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 16, 18 (b), 38 (c) and 40 above.**

Preparation of the next report

45. **The Committee requests the State party to submit its ninth periodic report, which is due in November 2022. The report should be submitted on time and cover the entire period up to the time of its submission.**

46. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.